

HISTORIC CONSERVATION BOARD & URBAN DESIGN REVIEW BOARD
JOINT MEETING
MONDAY, JUNE 13, 2005

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board and the Urban Design Review Board met at 3:00 P.M. in the J. Martin Griesel Room, Centennial Plaza II with the following members of each board present:

Historic Conservation Board: Chatterjee, Kirk, Kreider, Senhauser Sullebarger, and Spraul-Schmidt.

Urban Design Review Board: Chatterjee, Fitzgerald, Keller, and Senhauser

JOINT REVIEW TO CONSIDER MODIFICATIONS TO THE APPROVED PLAN FOR THE GATEWAY CONDOMINIUMS AT THE CORNER OF VINE STREET AND CENTRAL PARKWAY

Mr. Senhauser stated that the Historic Conservation Board would be hearing the formal application for a Certificate of Appropriateness at its June 27, 2005 where the public could testify.

The purpose for the joint meeting was to consider five modifications to the building permit plans of January 18, 2005 for the Gateway Condominiums at the corner of Vine Street and Central Parkway. The architect and owners were present to discuss the modifications and presented a model and Xerox copies of the changes. The five items affected were as follows:

1. Modification to the E. 12th Street plaid grid.
2. Removal of the deck ceilings.
3. Substitution of cementitious board for the thin brick approved for returns on the upper levels and at the entrance to the street level live/work units.
4. Removal of handrails on lower level roof deck.
5. Elimination of the metal frame kiosk proposed for the corner of 12th St & Vine.

In reference to the cementitious board returns, the developer Rick Kimbler explained that the thin brick was a poor match to the real brick elsewhere on the façade. Mr. Senhauser asked if thin brick was considered for the entire façade. Mr. Kimbler answered that thin brick was considered, but it was prohibitively expensive. Project architect David Kirk stated that the board would be installed in panels and have the appearance of stucco.

Mr. Kirk said that the removal of the deck ceilings is proposed to address fire and building code issues. The area must be sprinkled and the ceiling disrupts flow. Mr. Senhauser suggested that the ceiling could be perforated and still maintain the horizontal plane between the exterior porch opening and the window heads on the inner wall, a critical element in the original scheme. Mr. Kirk responded that since the sprinkler head is mounted on the sidewall, any such structure would interfere with dispersion.

Both Boards were concerned about the removal of the corner kiosk originally intended to display public art and form a gateway to the neighborhood. Mr. Kimbler said that he has spoken with several artists about the fine arts component of the project. While they were interested in the opportunity, none was comfortable designing work specifically for the kiosk. As a result, he is pursuing other options for public art component (including affixing it to the garage) and wishes to remove the kiosk. Although he has no specific proposal at this time, Mr. Kimble indicated that

he will need to raise funds for the project which he estimated at \$30,000. He acknowledged that the HCB & UDRB would need to approve the final scheme.

Mr. Chatterjee said that the kiosk brought some order of consistency and focus to the corner and he asked what measures would be taken to reestablish an anchor at that location. There was some discussion about reconsidering the mass of the building or alternate structure to resolve the resulting void. Mr. Kimbler suggested that the outdoor activity associated with the corner tenant and the presence of the garage stair tower would make the kiosk unnecessary. Ms. Sullebarger agreed that the corner needs focus, but that the kiosk was a last minute element and felt there were other alternatives for accommodating artwork.

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, JUNE 13, 2005

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members: Chatterjee, Kirk, Kreider, Sullebarger, Senhauser and Spraul-Schmidt present. Absent: Bloomfield, Raser and Wallace.

MINUTES

The Board unanimously approved the minutes of Monday, May 23, 2005 as corrected (motion Sullebarger, second Spraul-Schmidt).

CERTIFICATE OF APPROPRIATENESS FOR 3003 FAIRFIELD AVENUE, EAST WALNUT HILLS HISTORIC DISTRICT

Dotty Carman, Law Department, swore in those present who wished to testify regarding this item. Staff member Caroline Kellam then presented a report on a Certificate of Appropriateness to remove five basement windows, install glass block windows in its place, and replace two kitchen window openings. The owner and applicant, Allan Leung-Wolf, recently began the removal of original wood basement and kitchen windows on the side and rear elevations of his house. Five glass block windows were installed before the Department of Buildings and Inspections stopped the work. Staff stated the new block windows do not meet the guidelines and recommended the Board deny the requested Certificate of Appropriateness.

Mr. Kreider had asked staff to clarify the location of windows and whether there was a transom over one of the rear elevation windows. Allan Leung-Wolf, the owner and applicant, stated the opening specified by Mr. Kreider was an entrance rather than a window.

Mr. Leung-Wolf addressed the Board, apologizing for undertaking work without a Certificate of Appropriateness, but had assumed that glass block would be acceptable since seventeen other homes in the area have infilled window openings with this material. Mr. Leung-Wolf stated there is a lot of crime in the neighborhood and the glass block windows represent a security measure. He indicated the windows he wished to infill are not visible from Fairfield Avenue and that the basement windows are hidden beneath a porch.

Mr. Leung-Wolf provided staff with some addresses of homes with glass block windows, but the Historic Conservation Office has no record of any Certificates of Appropriateness being issued for the work. In answer to Ms. Sullebarger, William Forwood, Urban Conservator, stated that he has spoken with the Department of Buildings & Inspections about the issue. The two agencies will need to identify recent work that would have required a Certificate of Appropriateness and to notify the property owners in such cases.

BOARD ACTION

The Board voted unanimously (motion by Chatterjee, second Kirk) to take the followings actions:

1. Find that the installation of glass block does not meet the guidelines for the historic district and issues of privacy could be addressed in a manner that would meet the guidelines.
2. Disapprove a Certificate of Appropriateness for the installation of glass block windows at 3003 Fairfield Avenue.
3. Find that since much of the installation is completed, there is no other recourse than to require the property owner to remove the glass block.

4. Direct staff to work with the applicant to find a more appropriate window replacement that matches the original historic window that can be approved for a Certificate of Appropriateness.

**CERTIFICATE OF APPROPRIATENESS & ZONING VARIANCES, CANTEY
RESIDENCE – 2957 ANNWOOD AVENUE, EAST WALNUT HILLS HISTORIC
DISTRICT**

Dotty Carman, Law Department, swore in those present who wished to testify regarding this item. Staff member Adrienne Cowden then presented a report on a Certificate of Appropriateness and Zoning Variances for the demolition of an existing garage, construction of a new garage/pool house, an in-ground pool, a fence, and a trellis, installation of landscaping, and modifications to the residence at 2957 Annwood Avenue.

Ms. Cowden stated the existing walkway from Annwood Avenue would be replaced with a new brick walk and steps. New metal handrails that match the residence's foundation grilles and a pair of brick piers will flank the steps; a custom light fixture will be set on each pier. The existing driveway will be regraded and repaved in asphalt.

Ms. Cowden indicated the existing garage is a non-contributing resource, and its demolition will not adversely affect the property or the historic district. A new garage/pool house will be built on the cleared site. Staff discussed the impact this setting will have on an existing mature tree.

The garage/pool house requires a Zoning Variance for its height and size. Staff stated under §1445-15 the conditions giving raise to a Zoning Variance cannot be created by the owner or any predecessor in title. The Board may grant a variance under § 1435-35 when it finds such relief from the literal interpretation of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property in the district. Ms. Cowden stated the garage/pool house is appropriately scaled to the large two-and-one-half story house, and its height is mitigated by the presence of buildings to the west and north. The Board has granted similar variances for other garages in the district, but the building could be equally appropriate if reduced in area and height. The owner had not demonstrated to staff extenuating circumstances or conditions peculiar to the property that necessitate the proposed design. However, Ms. Cowden indicated the owner and her design team would have an opportunity to do so at the hearing.

An in-ground pool, a trellis and a wood privacy fence with lattice detailing will be constructed west of the proposed garage/pool house. Stone and a "Kool Deck" deck will be installed around the new pool and trellis. Per the Department of Buildings & Inspections, a fence is not required since the pool will have a cover that meets ASTM standards.

The proposal includes extensive landscaping. Four trees – a dogwood tree in the front yard and an oak (hackberry), an ash (sweetgum), and a mulberry tree in the rear yard – will be removed. Landscaping includes trees, shrubs, flowering plants and vines as detailed in the plans. A new irrigation/drainage system and new lights to highlight the residence and plantings will be installed.

Two openings in an existing enclosed porch at the northwest corner of the house will be modified to allow more direct access from the residence to the pool and garage/pool house. A second entrance on the north elevation will also be modified; the staircase will be removed, and a new wood railing installed.

Staff recommended that the Board approve the demolition of the existing garage and the installation of the proposed trellis, in-ground pool, landscaping, and other work. Staff also

recommended the Board deny a Certificate of Appropriateness and the requested Zoning Variances for the garage/pool house and encourage the owner to return to the Board with a design that conforms with the Zoning Code and that retains the oak (hackberry) tree at the north property line.

Ms. Sullebarger asked staff if the north elevation stairway was original and the type of material. Staff responded that the wood staircase and railing did not appear original. Ms. Sullebarger requested further information about the proposed garage/pool house and the mature tree at the north property line. Staff indicated the staff report includes two drawings – L101A and L101B – that show the original and proposed location of the garage/pool house. Staff suggested the applicant consider the deeper sitting shown in plan L101A for the garage in order to preserve the nearby mature oak (hackberry). In response to a question from Ms. Sullebarger regarding fences, staff stated that although the guidelines emphasize the district's park-like setting, they do not prohibit the installation of privacy fences. In addition, the guidelines placed no height restriction for fences in the side and rear yards.

The applicant, Vivian Llambi of Vivian Llambi & Associates, made two corrections to the staff report, stating the ash tree identified in the rear yard is a sweetgum tree, while the oak tree situated at the north property line is a hackberry. Ms. Llambi indicated the existing garage could be removed by hand without harming the hackberry and protecting the remaining mature trees on the property was possible. Ms. Llambi further clarified that the fence is 5'-10" tall, including a 4" decorative post knob.

Architect Steve Kenat indicated the garage portion of the garage/pool house is 650 square feet; this dimension matches that of the existing garage. The remaining space encloses pool equipment and a playroom. Mr. Kenat stated the average height of the north and south elevations of the garage/pool house is 18'-0".

The owner, Catherine Cantey, provided the Board with photographs of carriage houses and garages in the neighborhood. She stated many of these buildings are larger than what she is proposing, and her garage/pool house fits within the neighborhood's already established building patterns. Ms. Cantey indicated she believed combining the garage and pool house into a single building would better fit the district and would result in a less cluttered appearance.

Fred Bowling, Vivian Llambi & Associates, described the location and design of the pool covering to Mr. Kirk. In response to Ms. Spraul-Schmidt, Mr. Bowling stated that Ms. Cantey did consider other fencing options. The proposed lattice, which will extend across the top of the fence and between every 8'-0" panel, was selected to create a more open appearance. Mr. Bowling acknowledged that the covering for the pool negated the need for a fence, but Ms. Cantey felt a fence was necessary for additional security and safety.

James McCarthy, legal representation for Dianne and Peter Marcus (2950 Wold Avenue), addressed the Board with his client's opposing position. Mr. McCarthy stated he requested the Board visit the site since photographs cannot give a true sense of the proposal's impact. He stated that contrary to the staff report he believes the guidelines clearly deny the installation of the proposed privacy fence. The fence will disrupt the neighborhood's park-like setting, block views and be a detriment to the district. Mr. McCarthy stated the fence is clearly for privacy only and is unnecessary. He suggested that the fence could be lower and of a different material.

Mr. McCarthy further asserted that the proposed development in its entirety detracted from the symmetry of the Colonial Revival house and the district. It will destroy all open green space on the Cantey property and poses a serious threat to mature trees on the Marcus' property. Mr. McCarthy showed a digital photograph of the adjoining rear yards, a computer-modified view

showing the proposed new work, and an alternate site plan of the Cantey property with the pool relocated to the south.

In response to a question from Ms. Sullebarger, Mrs. Marcus pointed out the trees on her property that the project may impact. She stated the trees are valued at \$50,000 to \$60,000 and according to her arborist, the work could damage the root systems. Mr. Kirk asked Mrs. Marcus for clarification about the style, size and height of her garage.

Rick Donaldson (2956 Annwood Avenue), Karen Blocher (2929 Annwood Avenue) and Peter Marcus (2950 Wold Avenue) stated their comments had been included in others' presentations. Ed Pfetzing, representing the East Walnut Hills Assembly, stated that contrary to the e-mail from Assembly President Mary Anne Lee (included in the staff report), the East Walnut Hills Assembly has not taken a position on the project.

Susan Haas (3048 Wold Avenue) stated her objection to the proposed fence; she showed the Board a picture of her neighbor's new picket fence and voiced a broader concern that fencing in the historic district is a growing problem, as alluded to by staff. Fences affect the district and adjacent property owners. Maintenance of fences and expensive landscaping that may be necessary to soften a new fence is also an issue.

Missie McPherson (2600 Cleinview Avenue) voiced her objections to the fence and the pool. Ariel Miller (2940 Wold Avenue) also testified to her opposition to the fence. Karen Blocher (2929 Annwood Avenue) suggested the Board consider clarifying the guidelines so it becomes easier to determine what is or is not allowed.

Mr. Senhauser permitted the applicant to respond to opposing neighbors' comments. Mr. Bowling agreed with Mr. McCarthy's request that the Board visit the property in person but asserted a site view would reveal the project will not adversely affect the neighborhood. He stated that the proposed garage/pool house is no larger than other accessory buildings found throughout the district, including the garage located on the Marcus property at 2950 Wold Avenue, and his client is not asking for any more than what others in the neighborhood currently enjoy. Mr. Bowling stated the owner wishes to keep the mature trees on her property, and they will be protected during construction. Finally, Mr. Bowling disagreed strongly with the assertions made by Mr. McCarthy about the project's impact on view corridors and green space and questioned the validity of the computer-generated photograph he presented.

Ms. Carman, in response to the applicant and the Board, stated that the Zoning Code sets clear standards under which the Board can grant a Zoning Variance.

Mr. Senhauser pointed out that guidelines are not codes for a neighborhood that is why there are words like "should" and "may". Ms. Spraul-Schmidt suggested that the guidelines regarding fencing needed to be addressed, perhaps by a committee of the Board.

BOARD ACTION

The Board voted unanimously (motion by Spraul-Schmidt, second by Sullebarger) to take the following actions with amendment:

1. Approve a Certificate of Appropriateness for the demolition of the existing detached garage finding that the structure does not contribute to the East Walnut Hills Historic District.
2. Approve a Certificate of Appropriateness for the trellis, in-ground pool, landscaping, and other work to the residence and yard, with the exception of the garage/pool house and the

fence, as described finding that the work meets the East Walnut Hills Historic Conservation Guidelines.

3. All work shall guarantee the protection of mature trees, except those the Board approves for removal.
4. Deny a Certificate of Appropriateness and the necessary Zoning Variances for the height and size the garage/pool house, finding that the conditions of §1445-15 of the Zoning Code have not been demonstrated.
5. Approve the concept of a detached garage/pool house and encourage the owner to redesign the building to conform with the Zoning Code and/or to demonstrate special circumstances or conditions peculiar to the property necessitate the building's proposed size and height, and allow the applicant to return to the Historic Conservation Board with another option, including consideration of a site that retains the tree at the north property line.

**PRELIMINARY DESIGN REVIEW, CORNER OF HAMILTON AVENUE & BLUE
ROCK STREET, NORTHSIDE NBD HISTORIC DISTRICT**

Staff member Adrienne Cowden presented a report for a preliminary design review for a new Walgreens with a parking lot at the northeast corner of Hamilton Avenue and Blue Rock Street in Northside. Ms. Cowden explained that the Historic Conservation Board has design review authority over only that portion of the project – the parking lot and associated landscaping and signage – located within the since the Northside NBD Historic District. However, since a portion of the site is within the historic district, the Board has jurisdiction over the entire property for any necessary variances. Ms. Cowden stated that the size of the proposed Walgreens (a 10,000 sq ft prototype building) triggered the need for variances. The applicant must demonstrate that the owner or any predecessor in title did not create the need for requested variances. Unless the developer can demonstrate otherwise, the Board is obligated under the Zoning Code to deny the variances.

Richard Johnson, Steve Hemberger of Anchor Properties, and Scott Phillips were present to answer questions from the Board. Mr. Phillips asked for clarification on why the Board must approve Zoning Variances for the building since it is located outside the historic district boundary. Dotty Carman, Law Department, read §1435-35 of the Zoning Code, pointed out that although the building is situated outside of the historic district, the property extends into it.

Mr. Hemberger summarized the proposed project. He stated that Anchor Properties had met with the community and spoken with Elizabeth Blume, Community Building Institute, who coordinated the recently completed Northside Comprehensive Land Use Plan. He also met with the Bloomfield Group, the potential developer of the American Can Building at 4101 Blue Rock Street.

Mr. Hemberger stated the siting of the proposed Walgreens took into account the proposed development of the American Can Building. The Walgreens is oriented toward and set back from Hamilton Avenue and Blue Rock Street; its drive-through window and delivery bays are on the minor facades. The building will be sited to create a formal entry to the American Can Building and to frame other nearby buildings.

Mr. Hemberger indicated that the community is divided on the project, but is generally concerned that the project be respectful of the historic district and pedestrian friendly. He acknowledged that the project will change the corner of Hamilton Avenue and Blue Rock Street but emphasized that the new building will be compatible with the area. Mr. Hemberger pointed

out that the proposed prototype has been used in other historic contexts, but that it could not be reduced to 10,000 sq ft to avoid the zoning variance.

Michael Wizer, owner of five homes on Moline Court adjacent to the proposed development, expressed concern about the development's impact upon the business district's pedestrian character. He requested that a traffic study be conducted to determine the impact of the Walgreens upon nearby homes and businesses; he suggested limiting passage on Langland Street. In response to Mr. Kreider, Mr. Wizer stated his belief that the store should moved to the corner of Hamilton and Blue Rock.

Bob Sala, property owner and President of the Northside Business Association, stated that the surrounding area is zoned CC-P (Community Commercial – Pedestrian) to maintain the neighborhood's pedestrian quality. Moving the store to Blue Rock and Hamilton would maintain the street's pedestrian character and potentially justify a retail store of 15,000 sq ft.

Heather Sturgil (4304 Hamilton Avenue) expressed concern about the project's impact on Northside's handicapped residents. The increased traffic and wide driveway along Hamilton Avenue poses a danger to pedestrians and those who rely upon a wheelchair for mobility. She was also concerned that the project did not destroy the neighborhood's character and questioned Walgreens' intent to comply with the conservation guidelines.

Tim Jeckering indicated the community discussed the site as part of the Northside Comprehensive Land Use Plan. He elaborated on the significance of the railroad corridor through Northside and its impact on the subsequent development of the surrounding property. He pointed out that the rail line intersected the Johnson property and that structures were oriented to the tracks as well as the streets. Mr. Jeckering showed a site plan from the neighborhood plan illustrating the historic building pattern. He stated that a building sited at the intersection that followed the path of the now abandoned railroad corridor would be most appropriate. He felt that the development as proposed lacked creativity and that an opportunity was being lost with such a standardized facility.

BOARD ACTION

No official Board action was required.

PRESENTATION, FIFTH AND VINE STREETS, REDESIGN OF FOUNTAIN SQUARE

Stephen Leeper, Cincinnati Center City Development Corporation (3CDC), gave a PowerPoint presentation on the proposed redesign of Fountain Square. This project includes the relocation the Local Landmark Tyler Davidson Fountain.

Mr. Leeper stated the main focus for the square was to create a greener, park-like setting, to make the square more inviting to the public, and to accommodate a maximum variety uses. He indicated that 3CDC had met with a wide cross section of organizations and individuals to make sure that all views and opinions were considered. The final design is a result of a six-month study.

Mr. Leeper stated that a primary concern was the relocation and reinstallation of the Tyler Davidson Fountain. Based on its study, 3CDC concluded that the fountain should be moved approximately 110 feet to the center of the Square. This would give the design greater flexibility in arranging public gathering and outdoor dining spaces, allow the designers to eliminate the existing barrier wall along Fifth Street and give the Fountain greater visibility within the Square. Mr. Leeper indicated that regardless of its final location, the Fountain would have to be removed

to repair the garage roof and effect grade changes throughout the plaza. Given the other necessary repairs, the relocation of the Fountain was cost neutral.

Other amenities included in the plan are a state-of-the-art skating rink, a new permanent, expandable stage, a large video screen mounted on Macy's building, a open, glass lobby to replace the present stage and garage entry, a new glass restaurant enclosure and two new water displays. The total cost is estimated at \$42,000,000. The Board agreed that the removal of the Skywalk would be a significant improvement, but expressed some reservations about the context of the Fountain in its new location.

Mr. Senhauser said that the plan should not compromise the status of the Fountain as a public monument and expressed concern that in the proposed location, the Fountain will no longer stand alone and may be perceived as part of a 5th/3rd plaza. He also felt that the proposed new restaurant will block the view of the Fountain from Vine Street and encroach on its space. There was general agreement among the Board that the tree line along Fifth Street will further reduce public view of the Fountain and that the introduction of additional water features on the site will unnecessarily be competitive.

Mr. Senhauser acknowledged that the Board had limited jurisdiction and asked the Urban Conservator elaborate on the Board's authority. Mr. Forwood indicated the Board's authority was limited to the physical perimeter of the Fountain (the basin and sculpture) and to what the zoning code refers to as "environmental changes" to include its relocation. The Planning Commission had the authority to determine the location of public art and has already approved its new location. The Board might be interested in the overall design of the Square, but design review rests with the Urban Design Review Board.

Ms. Spraul-Schmidt commented that the Fountain was a gift to the City and since its original installation it has remained at the physical and symbolic core of the City. The Board agreed that the visibility of Fountain was of paramount importance.

ADJOURN

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser, Chairman

Date: _____